

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 23-23978-CIV-MORENO

FORD OF KENDALL, LLC d/b/a Ford of
Kendall,

Plaintiff,

vs.

RAUDEL LEMUS,

Defendant.

**ORDER GRANTING AMENDED MOTION FOR CLARIFICATION AND DENYING
AS MOOT ORIGINAL MOTION FOR CLARIFICATION**

THIS CAUSE came before the Court upon Plaintiff's Amended Motion for Clarification (D.E. 39), filed on March 14, 2025 and the Plaintiff's Motion for Clarification (D.E. 38) filed on March 13, 2025.

THE COURT has considered the motions, the response, the pertinent portions of the record, and being otherwise fully advised in the premises, it is

ADJUDGED that the amended motion for clarification is GRANTED, but the Court will not will not issue an order requiring the original arbitration panel to hear the matter as Plaintiff requests. When this Court issued its December 5, 2024 order compelling arbitration, the Defendant filed a *new* arbitration with the AAA because the original arbitration had been closed for over a year. AAA's standard operating procedures provide that when an arbitration "case has been closed for over three months you will need to file a new case with all the filing requirements, which will be assigned a new case number." Rather than reopen the original arbitration, the AAA said that "absent a mutual agreement between parties to reopen the previous

case or a court order remanding back to the previously closed case, AAA will proceed with the arbitration for Case No. 01-24-0009-0099 [the new case].” There is no mutual agreement of the parties. Plaintiff argues that Defendant filed a new case for the purpose of obtaining a different arbitrator. Plaintiff also argues that it is appropriate for this Court to remand to the original arbitration, which was pending at the time the Court denied the motion to compel arbitration.

The Court disagrees. Defendant has solid reasoning for filing the new arbitration: it is consistent with AAA policy. The Court also finds it is in the purview of the AAA and/or the arbitration panel whether to open a new proceeding or reopen the original one. Simply stated, this, too, is a matter for the arbitrator to decide. It is also

ADJUDGED that the original motion for clarification is DENIED as moot.

DONE AND ORDERED in Chambers at Miami, Florida, this 22nd of May 2025.



FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record